

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 28 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BENJAMIN JOHN MARTIN,

Defendant - Appellant.

No. 24-7203

D.C. No.

1:21-cr-00228-JLT-BAM-1

Eastern District of California,

Fresno

ORDER

Before: SILVERMAN, M. SMITH, and BADE, Circuit Judges.

In light of the government’s statement of non-opposition and “request[] that this Court grant Martin’s motion for release pending appeal and order that he be released from BOP custody,” the motion (Docket Entry No. 5) for bail pending appeal is granted.

The matter is remanded solely for the district court to set appropriate conditions of release.

The emergency motion (Docket Entry No. 21) to vacate the judgment is denied.

The motion (Docket Entry No. 12) for judicial notice is referred to the merits panel for whatever consideration it deems appropriate.

The existing briefing schedule remains in effect.